

### **Remarks**

Claims 1-20 are pending in this application. Claims 1-20 now stand rejected. Claims 4-6, 14, and 19 have been canceled. Claims 21-22 have been added. Claims 1, 7, 11, 12, 15, and 17 have been amended. The specification has been amended to include language now claimed and clearly described in original Figures 3-9, accordingly there is no new matter added. Page and line indicators for the amended paragraphs are taken from the specification having the header "PCT/AU2004/001191 Received 28 December 2005," which Applicant believes is the version of the specification used for the publication of the present application. These pages/lines may differ from the previous specification amendment in the response to the previous office action, Applicant apologizes for any confusion.

#### **Claim Rejections – 35 U.S.C. § 112**

Claims 1-14 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 1-14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The three phrases pointed out by the Examiner have been removed from claim 1.

#### **Claim Rejections – 35 U.S.C. § 103**

Claims 1-5, 13-15, and 16-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Crandell (6,886,297) in view of Guhl (6,055,783). Claims 6-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Crandell (6,886,297) in view of Guhl (6,055,783) and further in view of Roche (6,401,399).

Claim 1 has been amended to include the limitations of claims 4-6 and to recite that the first and second walls are made of glass and the at least one intermediate insulating wall is made of a thermal plastic. The Examiner points to Roche as teaching the

limitations of previous claim 6, however as now recited, claim 1 requires that the desiccant-containing chamber be formed **in the frame** with the perforations in the **inner wall** of the frame between the mounting surfaces. In contrast, Roche teaches spacers (21) having hollow portions (24) for containing desiccant material. In Roche, the desiccant-containing hollow portions are therefore not contained in the frame and the perforations are not in the inner wall of the frame.

Furthermore, Crandell, Guhl, and Roche fail to teach a glass-thermal plastic-glass configuration of the walls as now required by claim 1. While Crandell suggests that materials other than glass may be used, he does not teach the specific configuration now required. The glass-thermal plastic-glass configuration has the advantage of conventional glass on the inside and outside, but a better thermal insulating material in the middle. The instant specification discloses at page 7, line 2 "the internal space including at least one internal planar insulating member which insulates the two glass panes thereby reducing or eliminating condensation on the glass panes and frame." Hence, this is an advantage of having an intermediate insulating pane, positioned between the glass panes. The Crandell passage at column 3 line 10 states, "the sheets may be made of the same material or the sheets may be made of different materials". This type of statement in Crandell is typical of many patent specifications which simply aim to avoid the component being limited to one material, however, in that Crandell statement, there appears to be no awareness that an advantage can be obtained by a specific placement of an insulation pane in between two outer glass panes. Hence, there is no teaching in Crandell to neither select the specific order and positioning, nor select the materials now defined in amended claim 1 and other independent claims herein, in order to obtain an advantage not foreseen by Crandell.

Claim 15 has been amended to include limitations similar to those added to claim 1 and is patentable for at least the same reasons as above. Similar to claim 1, Roche does not teach providing frame segments with chambers containing desiccant material and having perforations in the inner wall of the frame between the mounting surfaces. Roche also does not teach sealing the chamber except for the perforations or that the panel has a specific configuration of glass panes on the outsides and at least one thermal plastic insulating pane on

the inside.

Claims 9-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Crandell (6,886,297) in view of Guhl (6,055,783) and further in view of Roche (6,401,399) and further in view of Richardson et al. (5,910,083). Claims 9-12 are dependent from claim 1 and are therefore patentable for at least the same reasons as above.

New claims 21 and 22 are similar to claims 1 and 15 and are patentable for at least the same reasons as said claims. Accordingly, Applicant respectfully submits that claims 1-3, 7-13, 15-18, and 20-22 are patentable over Crandell, Guhl, Roche, and Richardson and requests the withdrawal of the rejection under 35 U.S.C 103(a) to said claims.

**Conclusion**

Applicant has made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicant believes that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is invited to contact the undersigned at his earliest convenience.

The Petition fee of \$555.00 is being charged to Deposit Account No. 02-3978 via electronic authorization submitted concurrently herewith. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,

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